

MEMO ENDORSED

jegan@seyfarth.com

T (212) 218-5291

www.seyfarth.com

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/14/2020**

January 14, 2020

VIA ECF

Honorable Valerie E. Caproni
United States District Judge
United States District Court for the Southern District of New York
40 Foley Square
New York, NY 10007

Re: Range, Jr. v. BLDG 03 LLC et al., Civil Action No. 1:19-cv-05276-VEC

Dear Judge Caproni:

This Firm represents Defendants BLDG 03 LLC ("BLDG") and 475 Soho, LLC ("475 Soho") (collectively with BLDG, "Defendants") in the above-referenced matter. We are writing jointly with Plaintiff King Range, Jr. ("Plaintiff") to respectfully request a six (6) month stay of discovery, up to and including July 17, 2020, and to adjourn the Initial Pretrial Conference accordingly. The proposed stay will substantially narrow the issues for trial, and conserve the resources of the parties and the Court.

By way of background, this action concerns the accessibility of the Dos Caminos restaurant located at 475 West Broadway, New York, NY 10012 (the "Property") to individuals with disabilities. The parties participated in a settlement conference before Magistrate Judge Wang on December 19, 2019, pursuant to the Court's Order dated November 5, 2019. (ECF No. 27.) In advance of the conference, the parties informally exchanged documents and Plaintiff's counsel reviewed the Property with his expert on December 3, 2019. Although the conference did not result in a resolution of the action, Plaintiff and 475 Soho informally agreed to certain accessibility-related alterations to the Property, which will address Plaintiff's claims for injunctive relief. The altered elements will include the entrance, restroom, and interior and exterior dining areas at the Property.

The Property is located in a New York City Historic District, and the planned alterations require approval of both the New York City Landmarks Preservation ("LPC") Commission and the New York City Department of Buildings ("DOB"). 475 Soho has

engaged an architect that has prepared plans for the contemplated alterations. 475 Soho anticipates filing these plans for approval by LPC and DOB within 14 days.¹

The parties respectfully request that the Court both adjourn the Initial Pretrial Conference and stay discovery for six (6) months in light of the contemplated alterations, which will substantially narrow the issues for discovery. Pursuant to Section 2(C) of the Court's Individual Practices in Civil Cases, the parties provide their availability for the adjourned Initial Pretrial Conference on the following dates: July 17, 2020, July 24, 2020, and July 31, 2020.

This is the parties' second request for an adjournment of the Initial Pretrial Conference. The first request for an adjournment of the Initial Pretrial Conference (when it was scheduled for October 18, 2019) was not granted. (ECF Nos. 17, 21.)

We thank the Court for its time and attention to this matter.

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ John W. Egan

John W. Egan
Samuel Sverdlov
Attorneys for Defendants
475 Soho, LLC and BLDG 03 LLC

cc: All counsel of record (via ECF)

Application GRANTED. This case is stayed until further order from this Court. All deadlines and conferences are adjourned *sine die*. The parties must submit a joint status letter on **March 16, 2020**, and thereafter by the **15th of every other month** on the progress of remediation efforts.

SO ORDERED.


1/14/2020

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

¹ 475 Soho is filing separate applications for the contemplated interior and exterior work to expedite permit approval and construction. To amend the parties' January 9, 2020 joint letter as it relates to permit approval (see ECF No. 34, § III(C)), 475 Soho understands from its design professionals that the estimated timeframe for approval by LPC is 4-6 weeks for the interior work, and 8-12 weeks for the exterior work.